REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies that were extended during the recent in person interview held on July 6, 2005. The amendments made by this paper are consistent with the proposals discussed during the interview.

The first Office Action, mailed May 19, 2005, considered and rejected claims 1-28.[1]

By this paper, claims 1, 5, 18, 19 and 24 have been amended, claim 22 has been cancelled, and new claims 29-30 have been added, such that claims 1-21 and 23-29 remain pending.[2] Claims 1, 18 and 24 are the only independent claims at issue.

As discussed during the interview, the present invention is directed to embodiments for optimizing storage space through the recording of programming and the management of the recorded programming.

Claim 1, for instance, recites a method for optimizing storage space that includes receiving a user request to record a program. In response to the request, a tag is selectively assigned to the program that is used to control the recording of the program, at least in part. As further recited, the tag includes at least one of a guaranteed tag, an optional tag and a priority tag, each corresponding to different criteria for recording the program. Thereafter, recording rules are applied to the tag to determine whether the request to record will be fulfilled. If so, then the system is automatically programmed to record the program.

Claim 24 is directed to a corresponding recording and management system having means for implementing the foregoing method.

The last independent claim, claim 18, recites a method that includes selectively assigning a tag to a recorded program to identify a priority for maintaining the recorded program on the storage device. As further recited, the tag changes after the program is viewed. It is also

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[1] Claims 1, 12, 16, and 24-28 were rejected are rejected under 35 U.S.C. 102 (e) as being unpatentable by YAP et al. (U.S. Patent Application No. 2002/0040475). Claims 13-17 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (U.S. Patent Application No. 2002/0040475) in view of Vallone, et al. (U.S. Patent No. 6,642,939). Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

[2] Support for the claim amendments, which was clearly shown during the interview, includes, but is not limited to the disclosure found on pages 4, 17-18, 26 and 29.

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determined whether the recorded program is a partially recorded program. Then, storage rules are applied to determine whether to delete the recorded program, wherein it is determined to delete the program when the program is partially recorded or when the priority of the first tag changes.

As further discussed during the interview, Yap is generally directed to an embodiment for utilizing EPG data and tags (having corresponding information that describes the programming content) (see paragraph 115) to help find programs to record in response to queries. (paragraph 121). Programs matching the user's search criteria (and based on the tagged information) are then tuned and sent to storage. (paragraphs 122-125).

Yap fails, however, to disclose or suggest any method in which a tag is used to control recording of a program, particularly when the tag comprises one of a guaranteed tag, an optional tag and a priority tag, which is assigned to the program after the viewer selects a program to record. Instead, Yap discloses the use of a different type of informational tag that is used to query for and identify programs meeting the user's search criteria.

Vallone also fails to disclose the method recited in claims 1 and 24. In fact, Vallone was principally used to reject claim 18, a method for optimizing storage by determining which programs should be deleted from storage.

Vallone fails, however, as discussed during the interview, to disclose or suggest the method recited in claim 18. For example, Vallone fails to disclose or suggest, among other things, that a tag assigned to a program is changed after the program is recorded or that a determination is made whether a program is only partially recorded, as claimed. Instead, the cited disclosure of Vallone, corresponding to Figure 25, deals with resolving conflicts for selecting programs to be recorded. As further discussed during the interview, Vallone also fails to disclose or suggest a method in which it is determined that a recorded program should be deleted when the program is only partially recorded or when the priority of the first tag changes.

In view of the foregoing, the rejections of record are now moot, such that it is not necessary to address each of the other assertions of record in the last response. Nevertheless, Applicants reserve the right to challenge any of said assertions in the future. Accordingly, although the foregoing remarks are primarily directed to the independent claims, it will be appreciated that the dependent claims should also be found allowable over the art of record for at least the same reasons. Accordingly, it is not necessary to individually address the rejections to

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each of the dependent claims at this time. Nevertheless, a few of the dependent claims will be addressed by the following remarks, as discussed during the interview, to even further distinguish the claimed invention over the art of record.

For example, the cited art also clearly fails to disclose or suggest methods, such as recited in claim 5, wherein the guaranteed tag causes space to be reserved in the recording medium at the time the request to record is made, as opposed to a time at which the program is broadcast. As yet another non-limiting example, the cited art fails to address any embodiment in which a bucket defining a limit of recording is established, such as for an episode or repeating show, and wherein upon determining the bucket size is exceeded that a program is recorded, as recited in claim 23.

For at least the foregoing reasons, Applicants respectfully submit that all of the pending claims 1-21 and 23-30 are in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 2 day of Aug, 2005.

Respectfully submitted,

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